

KEVIN KERVENG TUNG, P.C.

Kevin K. Tung *

Mingli Chen

Kun Zhao *

Kenji Fukuda

Lixin Yang

Wei Sun

Lu He

Attorneys at Law

136-20 38th Avenue, Suite 3D
Flushing, New York 11354
(718) 939-4633
Facsimile (718) 939-4468

Chunyang Zhang

Michael Ma

Helen Wu

Song Chen

Yuan-Ting Yang

Wen-Hsien Cheng

*Also Admitted In New Jersey

New Jersey Office

1744 Highway 27
Edison, New Jersey 08817
(732) 819-9222
Facsimile (732) 819-9122

Reply To New York Office

Writer's E-Mail:

kfukuda@kktlawfirm.com

July 15, 2011

Hon. Brian M. Cogan
US District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Church & Dwight Co., Inc. v. Kaloti Enterprises of Michigan, LLC, et al.
US District Court Eastern District of New York Docket No: 07-cv-612

Dear Hon. Cogan:

We are the new attorneys for the defendants, David Tang a/k/a Xiong Ping Tang and T & L Trading Company, in connection with the above referenced case. We are writing this letter to request a pre-motion conference pursuant to your part rule.

On or about January 21, 2011, the plaintiffs obtained a default judgment against our client in the amount of \$400,000. We are preparing an order to show cause to vacate default judgment pursuant to FRCP 60 (b).

Currently, the plaintiffs are trying to enforce judgment and have already served subpoena with restraining notice upon banks and froze bank accounts of our client. Therefore, it is really necessary for us to file an order to show cause with request for stay of enforcement of judgment immediately unless the plaintiffs consent to stay enforcement of judgment until our motion is decided.

Our client has excusable neglect based on law office failure. Our client retained a different attorney, Jonathan Marks, PC, before; however, the previous attorneys never answered the complaint; and thus, our client defaulted.

Our client was also cooperating with the plaintiffs' investigation into the alleged trademark infringement, and also trying to settle the instant matter. Therefore, our client had no idea that our client was running the risk of getting default judgment.

In addition, our client also has meritorious defense. Our client has never knowingly, intentionally and willfully sold and distributed counterfeit condoms. The lack of intent is relevant in the calculation of damages since the court may award full damages and even treble damages and attorneys' fee in the case of willful or bad faith trademark infringement.

The court's decision shows that the court just awarded statutory damages to the plaintiffs pursuant to 15 USCA 1117 instead of holding a damage hearing to determine the actual damages.

So it was possible that the actual damages were less than the statutory damages, \$400,000 against our client. Moreover, some case laws state that the plaintiffs may not be entitled to any damages in case of innocent infringer.

Therefore, we would like to request for a pre-motion conference to discuss our proposed order to show cause to vacate default judgment with request for stay of enforcement of judgment.

Should you have any questions, please do not hesitate to contact the undersigned. Thank you for your attention to this matter.

Very truly yours,



Kenji Fukuda

CERTIFICATION OF SERVICE

The undersigned hereby certifies that all counsels of record were served with a copy of this document through the Court's CM/ECF System, on this 15th day of July, 2011.

Attn: Geoffrey Potter, Esq. (GP-8073) gpotter@pbwt.com

Aron Russell Fischer, Esq. afischer@pbwt.com

Noah Stein, Esq.

Patterson, Belknap, Webb & Tyler, LLP

Attorneys for Plaintiffs

1133 Avenue of the Americas, 21st Floor

New York, NY 10036-6710

Tel: (212) 336-2000

Fax: (212) 336-2222

Attn: Michael J. Cannon, Esq. mcannon@milbermakris.com

Milber, Makris, Plousadis & Seiden, LLP

Attorneys for Defendants, Rassem Kaloti and Isaac Kaloti

1000 Woodbury Road, Suite 402

Woodbury, NY 11797

Tel: 516-712-4000

Fax: 516-712-4013

Attn: Perry Ian Tischler, Esq. ptischler@aol.com

Attorneys for Defendants, Y & P Wholesale, Inc.,

Yuan Ping Trading Inc., Qu Fu Hwang a/k/a Tommy Hwang,

Qi Ke Huang, Miao Chen a/k/a Annie Chen, Kai Yan Wong

38-39 Bell Boulevard

Suite #203

Bayside, NY 11361

Tel: (718)229-5390

Fax: (718)229-5759

Attn: Robert J. Aiello, Esq. AandC6906@aol.com

Aiello & Cannick

Attorneys for Defendants, Seung Won Paek a/k/a Tommy Peak

d/b/a New Kor Trad Company

69-06 Grand Avenue

Maspeth, NY 11378

Tel: (718) 426-0444

Fax: 718-803-9764

Attn: Sanford Talkin, Esq. samt@talkinlaw.com
Talkin, Muccigrosso & Roberts LLP
Attorneys for Defendants, Seung Won Paek a/k/a Tommy Peak
d/b/a New Kor Trad Company
40 Exchange Place, 18th Floor
New York, NY 10005
Tel: 212-482-0007
Fax: 212-482-1303

Attn: Arlana S Cohen, Esq. asc@cll.com
Cowan, Liebowitz & Latman, P.C.
Attorneys for Defendant, Dollar 99 Cents Mart, Inc.
1133 Avenue Of The Americas
New York, NY 10036
Tel: 212-790-9200
Fax: 212-575-0671

Attn: J. Christopher Jensen, Esq. jcj@cll.com
Cowan, Liebowitz & Latman, P.C.
Attorneys for Defendant, Dollar 99 Cents Mart, Inc.
1133 Avenue of the Americas
New York, NY 10036-6799
Tel: 212-790-9200

Attn: Todd D. Greenberg, Esq. todd@queenslaw.com
Addabbo & Greenberg
Attorneys for Defendants, ZX Trading Corp., Jian Lin Hu,
ZX Industries, Inc., ZX Marketing, Inc., Mike Hu,
Xiao Mei Huang, Lin F. Hu, Jian Zhong Hu
118-21 Queens Blvd., Suite 306
Forest Hills, NY 11375
Tel: 718-268-0400
Fax: 718-575-9869

Attn: Joseph R. Vasile, Esq. jrvatty@gmail.com
Attorneys for Defendant, United Distribution Corp.
5009 Avenue N
Brooklyn, NY 11234
Tel: 718-927-4100
Fax: 718-927-1507

Attn: William Goldman Scher, Esq. legal@garbarini-scher.com
Garbarini and Scher, P.C.
Attorneys for Defendant, United Close Outs, Inc. and Eddie Yono
432 Park Avenue South
New York, NY 10016-8013
Tel: 212- 689-1113
Fax: 212-725-9630

Attn: Charles Myungsik Yoon, Esq. cyoon@yoonkimlaw.com
Yoon, Suh, Kim & So LLP
Attn: Crown USA Distributors, Inc.
11 East 44th St, 14th Fl
New York, NY 10017
Tel: 212-584-0058
Fax: 212-584-0059

Attn: Sammy Jong Kye, Esq. skye@yoonkimlaw.com
Yoon & Kim LLP
Attn: Crown USA Distributors, Inc.
11 East 44th Street - Suite 1400
New York, NY 10017
212-584-0058
Fax: 212-584-0059

Attn: John L. Weichsel, Esq. john.weichsel@verizon.net
Attorneys for Defendant, Mrs. Chom Sun So a/k/a Paek
79 Main St, Suite 1
Hackensack, NJ 07601
Tel: 201-488-1400
Fax: 201-488-3970

Attn: Daniel Ioannis Zohny, Esq.
Robinson Brog Leinwand Greene Genovese & Gluck, P.C.
Attorneys for Defendant, Mohammed Naeem
1345 Avenue of the Americas, 31st Floor
New York, NY 10105
Tel: 212-603-6300
Fax: 212-956-2164

Attn: Gary Adelman, Esq. gpa@robinsonbrog.com
Robinson Brog Leinwand Greene Genovese & Gluck P.C.
Attorneys for Defendant, Mohammed Naeem
1345 Avenue of the Americas, 31st Floor
New York, NY 10105
Tel: 212-603-6300
Fax: 212-956-2164

Attn: Marc Andrew Lavaia, Esq. mal@robinsonbrog.com
Robinson Brog Leinwand Greene Genovese & Gluck P.C.
1345 Avenue Of Americas, 31st Floor
New York, NY 10105
Tel: 212-603-6300
Fax: 212-956-2164

Attn: Bruce Egert, Esq. bruceegert1@aol.com
Michael J. Cannon, Esq.
Attorneys for Defendants, Kaloti Wholesale, Inc., d/b/a
Kaloti Enterprises a/k/a Kaloti Enterprises of Michigan, LLC
8625 Lefferts Blvd
Richmond Hill, NY 11418
Tel: (212)227-2009
Fax: (212)227-2021

/s/ Kenji Fukuda
Kenji Fukuda, Esq. (KF0324)
Attorneys for Defendants
David Tang a/k/a Xiong Ping Tang
& T & L Trading Company
kfukuda@kktlawfirm.com
KEVIN KERVENG TUNG, P.C.
136-20 38th Avenue, Suite 3D
Flushing, NY 11354
TEL: (718) 939-4633
FAX: (718) 939-4688